

FILED
Clerk
District Court

SEP 12 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

1 LIZAMA_D.gar4

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7 Attorney's for United States of America

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN MARIANA ISLANDS

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 DIONICIO REYES LIZAMA, JR.,
14 Defendant,

CRIMINAL CASE NO. 97-00023

**NOTICE OF POST-JUDGMENT
CLERK'S GARNISHMENT;
INSTRUCTIONS TO
DEFENDANT-JUDGMENT DEBTOR**

15 _____
16 LUEN FUNG ENTERPRISE,
17 Garnishee.
18 _____

19 NOTICE OF POST-JUDGMENT CLERK'S GARNISHMENT;
20 INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR
21

22 You are hereby notified that your salary at Luen Fung Enterprise is being taken by the
23 United States of America which has a judgment in Criminal Case No. 97-00023, District for the
24 Northern Mariana Islands, for the sum of \$7,600.00 which includes a \$100.00 special assessment
25 fee and a \$7,500.00 fine. Interest accrues at the legal rate of 5.49%. A balance of \$6,397.59, as
26 of September 11, 2006. (\$3,505.00 principal + \$2,855.09 int. to 9/11/2006 + \$37.50 penalty).

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1 In addition, you are hereby notified that there are exemptions under the law which may
2 protect some of the property from being taken by the Government if you, DIONICIO REYES
3 LIZAMA, JR. can show that the exemptions apply. Attached is a summary of the major
4 exemptions which apply in most situations in the Commonwealth for the Northern Mariana
5 Islands.

6 If you are DIONICIO REYES LIZAMA you have a right to ask the court to return your
7 property to you if you think you do not owe the money to the Government that it claims you do,
8 or if you think the property the Government is taking qualifies under one of the above
9 exemptions.

10 If you want a hearing, you must notify the court within 20 days after receipt of the notice.
11 Your request must be in writing.

12 If you wish, you may use the attached request for hearing. You must either mail it or
13 deliver it in person to the Clerk of the United States District Court for the Northern Mariana
14 Islands, 2nd Floor, Horiguchi Building, Garapan, P.O. Box 500687, Saipan, MP 96950. You
15 must also send a copy of your request to the United States Attorney's Office, Sirena Plaza, Suite
16 500, 108 Hernan Cortez Avenue, Hagåtña, Guam 96910-5059, so the Government will know
17 you want a hearing.

18 The hearing will take place within five (5) days after the Clerk receives your request, if
19 you ask for it to take place that quickly, or as soon after that as possible.

20 At the hearing you may explain to the judge why you think you do not owe the money to
21 the Government. If you do not request a hearing within 20 days of receiving this notice, your
22 property may be sold at public auction and the proceeds of the sale will be applied to the debt
23 you owe the Government.

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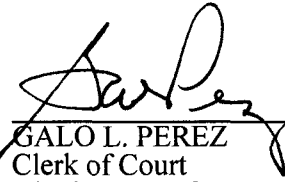
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1 If you think you live outside the Federal judicial district in which the court is located, you
2 may request, not later than 20 days after you receive this notice, that this proceeding to take your
3 property be transferred by the court to the Federal judicial district in which you reside. You
4 must make your request in writing, and either mail it or deliver it in person to the Clerk of the
5 Court at the United States District Court for the Northern Mariana Islands, 2nd Floor, Horiguchi
6 Building, Garapan, P.O. Box 500687, Saipan, MP 96950. You must also send a copy of your
7 request to the Government at U.S. Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan Cortez
8 Avenue, Hagåtña, Guam 96910-5059, so the Government will know you want the proceeding to
9 be transferred.

10 Be sure to keep a copy of this notice for your own records. If you have any questions
11 about your rights or about this procedure, you should contact a lawyer, an office of public legal
12 assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer
13 you to other sources of information.

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GALO L. PEREZ
Clerk of Court
District Court for the Northern
Mariana Islands

1 **LIZAMA_D.gar4**

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3
4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN MARIANA ISLANDS

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 DIONICIO REYES LIZAMA JR.,

10 Defendant,

11
12 LUEN FUNG ENTERPRISE,

13 Garnishee.
14

CRIMINAL CASE NO. 97-00023

REQUEST FOR HEARING

15 REQUEST FOR HEARING

16 Pursuant to 28 U.S.C. § 3202, I Request that the Court hold a hearing in this matter and
17 further state that:

18
19 _____ I do not owe the money to the Government as it says I do.

20 _____ The property that the Government is taking is exempt.
21

22 DATED: _____

23 DIONICIO REYES LIZAMA, JR.

24 Address: _____

25 _____
26 Telephone Number: _____
27
28

**CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$6,250** in value.
- ☐ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$3,125** in value.
- ☐ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☐ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
- ☐ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- ☐ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
- ☐ 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- ☐ 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
- ☐ 10. Assistance under Job Training Partnership Act.
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.

11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

**MAJOR EXEMPTIONS UNDER THE COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS LAW**

NOTE: If you select the exemptions available under commonwealth law, the law of the commonwealth where you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant provisions of the Commonwealth of the Marianas Code Title 7, Div. 4 § 4210 allow the following exemptions:

9. **Debtor's Homestead**

| <u>Address of Residence</u> | <u>Fair Market Value</u> | <u>Liens</u> | <u>Equity</u> |
|-----------------------------|--------------------------|--------------|---------------|
| _____ | \$ _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ | \$ _____ |

10. **Personal Property** - All necessary household furniture, cooking and eating utensils, and all necessary wearing apparel, bedding and provision for household use sufficient for four months.

| | |
|-------------------|-------------------|
| Property Claimed: | Fair Market Value |
| _____ | \$ _____ |
| _____ | \$ _____ |

11. **Necessities for Trade or Occupation** - All tools, implements, utensils, two work animals, and equipment necessary to enable the person against whom the attachment or execution is issued to carry on his or her usual occupation.

| | |
|-------------------|-------------------|
| Property Claimed: | Fair Market Value |
| _____ | \$ _____ |
| _____ | \$ _____ |

- ____ 12. **Land and interest in Land** - All interests in land, but any interest owned solely by a judgment debtor, in his or her own right, may be ordered sold or transferred under order in aid of judgment if the Court making the order deems that justice so requires and finds as a fact that after the sale or transfer, the debtor will have sufficient land remaining to support himself or herself and those persons directly dependent on the debtor according to recognized local custom and the law of the Commonwealth. No person not of Northern Marianas descent may acquire any interest to such land, by sale, transfer, or otherwise, except as otherwise provided by law.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name